

## REMARKS/ARGUMENTS

Claims 1, 3, 4, 17, 21, 24 and 27-32 remain in the application for further prosecution. Claims 2, 5-16, 18-20, 22, 23, 25 and 26 have been cancelled. Claims 1, 17, 21 and 24 have been amended. Claims 27-32 have been added.

### §§ 102 and 103 Rejections

Claims 1, 3, 4, 17, 20, 21, 24 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,254,483 to Acres (“Acres”) or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Acres in view of IGWB.

Claims 1, 17 and 24 have been amended to clarify that they are claiming that the symbols “indicative of a game outcome” are being altered or selected in response to a certain number of plays (or “play sessions” of the basic game in claim 24), and that altering or selecting is unassociated with a monetary value of wagers made during the plays. These claims are clearly supported by the teachings and examples on pages 22-23 of the present specification.

Acres cannot be used to reject the pending claims for two reasons. First, while Acres discloses changing a background color or a card decoration (to make it like a casino’s logo), neither of these are “indicative of a game outcome.” Obviously, background color has nothing to do with the game outcome. And, while the value of a card (*e.g.*, a Ten, an Ace, a Two) may indicate the game outcome, the card decoration on the reverse side of those values has nothing to do with the game outcome. The Applicants note that the Office Action states nothing about Acres teaching symbols indicative of the game outcome.

Second, and more importantly, the principle focus of Acres is on altering the gaming machine to set the cost higher to the player during times of high demand and lower to the player

during times of low demand. Acres, column 2, lines 35-55. Acres uses as one of its criteria the coin input **rate** (the rate of play) to determine when demand is high or demand is low. Column 6, lines 13-19. But, the **rate** at which coins are placed in the machine is not what claims 1, 17 and 24 call for. Rather, these claims call for altering these game symbols in a manner that is unassociated with a monetary value of wagers made during the plays. While Acres may advocate altering the configuration parameter of its primary game when the coin input rate increases to a certain level, that is substantially different from altering game symbols after a certain number of game plays regardless of the coin input rate. In fact, considering Acres's particular focus on maximizing casino profits via monitoring coin input rate, the claimed invention is the antithesis of the teaching of Acres in that the coin input rate is absolutely irrelevant in this determination. For example, a gaming machine constructed in accordance with the pending claims alters the game symbols after 50 spins, regardless of whether (i) those 50 spins occurred during a 15 minute period or a 15 hour period, or (ii) the amount of the wager on each of those 50 spins. Obviously, a gaming machine constructed in accordance to Acres' teaching would never operate in such a manner.

In summary, there is no teaching whatsoever in Acres about altering any configuration parameter after a certain number of plays of the game, and Acres teaches away from any proposed modification of Acres under 35 U.S.C. § 103 that would arrive at the pending claims.

The Office Action also uses page 11 of IGWB to reject the pending claims. The "sevens, cherries, and cabooses" may be symbols that indicate an outcome, but there is no teaching that (i) data sets corresponding to these symbols are stored in a single gaming machine, or (ii) the single gaming machine alters the currently displayed "sevens" to "cherries" after a certain number of

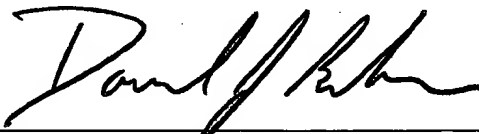
plays occurs. Rather, page 11 simply teaches that gaming-machine manufacturers unveil new gaming machines with different symbols each year; it does not suggest anything at all about a single gaming machine having these different symbols. If anything, page 11 of the IGWB reference simply teaches one prior concept to maintain player interest at casinos -- add an entirely new gaming machine every year. The pending claims offer a much different approach to maintaining player interest and, therefore, the IGWB reference is not useful for rejecting the pending claims.

### **Conclusion**

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



Date: April 19, 2004

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